

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LOUGRANT ANIBAL RODRIGUEZ-DE
LEON,

Defendant.

Criminal No. 16-787 (GAG)

SENTENCING MEMORANDUM

TO THE HONORABLE GUSTAVO A. GELPI:

COMES NOW Mr. Lougrant Anibal Rodriguez-De Leon, hereinafter (“Mr. Rodriguez”), represented by the undersigned attorney, and respectfully STATES and PRAYS as follows:

I. INTRODUCTION

Mr. Rodriguez is a 36 year old citizen of the Dominican Republic (“DR”). He is strong, sharp and willing to work any odd jobs he can. Although his formal education is limited (8th grade), he fortunately knows how to read and write. He is a fisherman, who enjoys baseball and being around his family.

As explained in the sole Count of the Indictment and *accepted by Mr. Rodriguez*, on December 5th, 2016, being an alien previously deported and removed from the United States, he attempted to re-enter the United States without having obtained prior to his re-embarkation at a place outside of the United States, the express consent of the Secretary of Homeland Security to reapply for admission.

Basically, he was detained approximately seventeen (17) miles of the coast of Puerto Rico, close to Aguadilla, as he and thirty-one (31) others traveled in a “yola” destined for Puerto Rico.

Based on his May 4th guilty plea (a strait plea), he faces a guideline imprisonment range 0-6 months. Currently he has been detained for seven (7) months.

II. FACTORS UNDER 18 U.S.C. § 3553

A. STATUTORY EXPOSURE

Pursuant to 18 U.S.C. § 1326(a), the maximum imprisonment exposure is not more than two (2) years. The charge is a Class E felony (18 U.S.C. § 3559) which carries a fine of not more than \$250,000 (18 U.S.C. 3571), a Special Monetary Assessment of \$100.00, and a term of supervised release of no more than one (1) year.

B. SENTENCING GUIDELINES CALCULATION

United States Guideline Section applicable for the charge of conviction is USSG § 2L1.2. Pursuant to USSG § 2L1.2, the base offense level is eight (8). A two level reduction is warranted under Section 3E1.1(a) for timely acceptance of responsibility, for a total offense level of six (6). Since Mr. Díaz has no prior convictions, zero (0) points are warranted for a Criminal History Category (CHC) of I. The guideline imprisonment range for a total offense level of 6 and a CHC of I is 0-6 months of imprisonment, Zone A. Imprisonment, although an option, is not mandatory, and Mr. Rodriguez is eligible for probation under the advisory guideline scheme.

C. PERSONAL BACKGROUND

Mr. Rodriguez was born in Sabana Del Mar, Dominican Republic, in January of 1981. He has three (3) children, Luarry (12), Lyany (7) and Loriany (3), from his relationship with wife Leonor del Carmen Pimentel-Trinidad. Leonor, the children and Mr. Rodriguez still live in Sabana del Mar, as does most of Mr. Rodriguez' extended family. They are eagerly await his return.

Mr. Rodriguez has no prior criminal conviction and no history of alcohol or drug abuse. He only had one prior incursion into the United States, for which he was detained and promptly deported.

Please find here below, just for perspective, photos of Mr. Rodriguez with his family and making a living as a fisherman.





WHEREFORE it is respectfully requested that this Honorable Court consider the information provided in the Sentencing Memorandum, and impose a sentence of time served.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send electronic notification of such filing to the parties of record.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 30th day of July, 2017.

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